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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA ex rel. STF,
LLC, an organization; STATE OF
CALIFORNIA ex rel. STF, LLC, an
organization,

Plaintiff,

vs.

VIBRANT AMERICA, LLC, a Delaware Limited
Liability Company,

Defendant.

CASE No. 3:16-cv-02487-JCS

**DEFENDANT'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF REPLY IN
SUPPORT OF MOTION TO DISMISS**

Date: July 24, 2020
Time: 9:30 AM
Courtroom: F
Before the Honorable Joseph C. Spero

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Federal Rule of Evidence 201, and in connection with the concurrently filed Motion to Dismiss Plaintiff-Relator's Complaint, Defendant Vibrant America, LLC ("Defendant") respectfully requests that the Court take judicial notice of the following documents in support of its Reply in Support of Motion to Dismiss:

1. A copy of the American College of Emergency Physicians “Fact Sheet: Medicare Inflation Adjustment,” attached hereto as Exhibit A. The Court may take judicial notice of information found on publically accessible websites. *See Perkins v. LinkedIn Corp.*, 53 F. Supp. 3d 1190, 1204 (N.D.Cal. 2014)(“Proper subjects of judicial notice when ruling on a motion to dismiss include . . . publically accessible websites”); *see also Wible v. Aetna Life Ins. Co.*, 375 F.Supp.2d 956, 965 (C.D.Cal.2005).
2. A copy of a Medicare Payment Advisory Commission (“MedPAC”) blog post dated September 11, 2017, attached hereto as Exhibit B. The Court may take judicial notice of information found on government websites. *See Daniels–Hall v. Nat,l Educ. Ass’n*, 629 F.3d 992, 999 (9th Cir.2010) (taking judicial notice of information found on government websites).

DATED: June 29, 2020

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